

28-24-1. Definitions. As used in this article of the department's regulations, each of the following terms shall have the meaning specified in this regulation: (a) ~~"Apprentice" has the meaning specified in K.S.A. 65-1901, and amendments thereto.~~

~~(b) "Bleach solution" means a mixture consisting of one part liquid bleach and nine parts water. The solution shall be kept in a closed container, and a fresh solution shall be made at least once every 24 hours~~ chlorine bleach used for disinfection purposes. Bleach solution shall be mixed, stored, and used according to manufacturer's instructions.

~~(c) (b) "Board" means the Kansas board of cosmetology.~~

~~(d) (c) "Clean" means free from all soil and dirt and washed with soap or detergent free of visible or surface debris through washing with soap and water or with detergent and water. Clean shall not mean disinfected.~~

~~(e) (d) "Communicable disease or condition" means a disease or condition that is diagnosed by a licensed health care professional as being contagious or transmissible and that can be transmitted in~~ during the practice of cosmetology, nail technology, electrology, or esthetics.

~~(f) (e) "Consumer" means a person who receives services from a licensed cosmetologist, electrologist, manicurist, esthetician, or cosmetology technician~~ any individual who receives cosmetology, electrology, nail technology, or esthetic services.

~~(g) (f) "Disinfect" means to use a disinfectant on a clean, nonporous item or surface to kill bacteria, viruses, and fungi.~~

~~(h) (g) "Disinfectant" means an EPA-registered disinfecting solution that is bactericidal, virucidal, and fungicidal. Disinfectants~~ can be in the form of a liquid concentrate, wipe, spray,

or foam.

~~(g)~~ (h) “EPA” means the United States environmental protection agency.

~~(h)~~ (i) “Establishment” means any place licensed by the board of cosmetology where cosmetology, nail technology, electrology, or esthetics is practiced, other than a school.

~~(i)~~ (j) “FDA” means the food and drug administration of the United States department of health and human services.

~~(j)~~ “Licensee” means any person licensed as a cosmetologist, cosmetology technician, manicurist, electrologist, esthetician, or instructor. [“instruments” removed]

(k) “Mobile establishment” means a self-contained, enclosed mobile unit licensed for the practice of one or more of the following:

- (1) Cosmetology;
- (2) nail technology;
- (3) esthetics; ~~and~~ or
- (4) electrology.

(l) “Noninvasive,” when used to describe procedures or services, means the procedures or services confined to the nonliving cells of the epidermis found in the stratum corneum layer of the skin. The practice of cosmetology, nail technology, or esthetics shall not alter, cut, or damage any living cells.

~~(m)~~ “Operator” means the person who is licensed to operate an establishment or school.
“Practitioner” means an individual who practices cosmetology, nail technology, electrology, or esthetics.

(n) "Product" means any liquid, cream, powder, spray, or other material used on the consumer in the practice of cosmetology, electrology, nail technology, or esthetics substance used on a consumer in the practice of cosmetology, electrology, nail technology, or esthetics.

(o) "Protective gloves" means single-use gloves made of nitrile, vinyl, or latex or of an alternate material that provides equivalent protection.

(p) "Safety data sheet" and "SDS" mean written or printed material concerning a hazardous chemical that is prepared in accordance with 29 C.F.R. 1910.1200(g).

(q) "School" means any place licensed by the board of cosmetology for the training of cosmetologists, manicurists, estheticians, electrologists, and instructors in training where cosmetology, esthetics, nail technology, or electrology is taught.

(q) (r) "Single-use," when used ~~to describe~~ presterilized products or items, means presterilized products or items intended to be disposed of immediately after one use in the practice of cosmetology, means that the item is porous and cannot be disinfected, regardless of manufacturer designation.

(s) "Sterilization" means the process used to render an instrument free of all forms of living microorganisms by use of a steam autoclave sterilizer or dry-heat sterilizer. The use of ultraviolet light shall not be an acceptable form of sterilization.

(t) "Universal precautions" means the following guidelines and controls published by the centers for disease control (CDC), which are hereby adopted by reference:

(1) "Guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers: a response to P.L. 100-607, the

28-24-3. Communicable diseases or conditions; ~~universal precautions.~~ (a) ~~No licensee or apprentice afflicted with a communicable disease or condition, as defined in K.A.R. 28-24-1, shall be permitted to work or train in a school or establishment. No practitioner shall~~ provide either of the following:

(1) Any [removed "proceed with"] service to a consumer who has pediculosis, open sores, inflamed tissue suggesting a communicable disease or condition, fungus, lice, including head, body, or pubic, or ringworm, until the consumer furnishes to the practitioner a statement signed by a licensed physician stating that the communicable disease or condition is not in an infectious, contagious, or communicable stage; or

(2) any [removed "provide"] service while having pediculosis, open sores, or inflamed tissue suggesting a communicable disease or condition, fungus, lice, including head, body, or pubic, or ringworm, until the practitioner obtains a statement signed by a licensed physician stating that the communicable disease or condition is not in an infectious, contagious, or communicable stage.

(b) ~~Services shall not knowingly be performed on or by any person who has a communicable disease or condition or parasites that could be transmitted in the delivery of services under these regulations. Blood-borne diseases, including HIV infection, hepatitis B (HBV), and hepatitis C (HCV), shall not be considered infectious or contagious communicable diseases or conditions under this regulation. If a service has been started and a practitioner discovers that a consumer has pediculosis, open sores, inflamed tissue suggesting a communicable disease or condition, fungus, lice, including head, body, or pubic, or ringworm, the practitioner shall perform the following:~~

(1) ~~Each operator~~ The owner of each establishment shall maintain a log at the establishment with the date and results of each monthly test for ~~a minimum of~~ at least three years and shall make the records available for review at any time by the board or the board's designee.

(2) A copy of the manufacturer's procedural manual for operation of the steam autoclave sterilizer or dry-heat sterilizer shall be available for inspection by the board or the board's designee.

(f) ~~Each licensee or apprentice practitioner~~ shall place only the single-use instrument or sterilized equipment to be used for each consumer on a clean ~~field~~ nonporous surface and shall replace the clean ~~field~~ surface with a new clean ~~field~~ surface after each ~~consumer~~ service.

(g) ~~Each licensee or apprentice practitioner~~ shall dispose of ~~each needle~~ all needles and any other sharp ~~equipment items~~ in a ~~puncture-resistant, leakproof container that can be securely closed for the handling, storage, transportation, and disposal of sharps~~ container following the service. ~~The container shall be red and shall be labeled with the biohazard symbol.~~

(h) The surface of each counter, each ~~piece of furniture~~ treatment table, and each piece of equipment in each area where a consumer is served shall be made of smooth, nonporous materials. ~~Each licensee or apprentice practitioner shall clean~~ these surfaces ~~disinfect~~ all nonporous surfaces, including counters, treatment tables, and pieces of equipment, after each service by using either ~~an EPA-registered~~ a disinfectant according to the manufacturer's instructions or a bleach solution. (Authorized by and implementing K.S.A. 65-1,148; effective

determines that the proximity of the licensed or nonlicensed activities poses a possible threat to the health of the employees, the consumers, or the public, ~~then the operator~~ owner of the school or establishment ~~may be required by the board to meet~~ shall mitigate the risk as directed by the board, including by meeting one or both of the following requirements:

(1) A solid partition shall separate the portion of the premises used for nonlicensed business purposes from the licensed area. The partition may contain a door if it remains closed, except for entering and leaving.

(2) A separate, outside entrance shall be provided for the school or establishment.

(d) Each school or establishment ~~shall have a safe water supply~~ shall have plumbing that provides hot and cold running, potable water at all times and that provides for the disposal of used water.

(e)(1) Each establishment shall have at least one restroom. Each school shall have at least two restrooms. Each restroom shall be in the building in which the establishment or school is located.

(2) Each restroom shall include at least one working toilet and one hand-washing sink with hot and cold running water, with a liquid soap dispenser, and either disposable towels or an air dryer. ~~The operator shall keep~~ Each restroom shall be kept in a sanitary condition.

(3) ~~Each restroom shall be located within the building in which the establishment is housed.~~ A restroom sink shall not be used for services or for cleaning instruments or equipment.

(f)(1) Each school shall have at least two restrooms. Each restroom shall have at least